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Charting the Capitol Legislative Updates - May 10, 2016

Charters Notch a Number of Big Legislative Victories, Fight for Equity Continues

With one day remaining in the 2016 legislative session, we are proud to report that it has been a significant one for Colorado's charter schools. We went into the session with [a very ambitious agenda](#), and while we weren't able to accomplish every objective on the list (see below for further details related to the ongoing mill sharing fight), we were able to push the vast majority of them across the finish line. This is no small feat in a year with a split legislature and lawmakers preparing for a contentious fall election, and it speaks volumes to the tremendous amount of outside public pressure you were able to apply. THANK YOU for answering the call, contacting your legislators, and communicating to them again and again the importance of charter public school issues. We will have a much more detailed accounting of the 2016 legislative session in the coming weeks, but for now, here's a quick rundown of some of the session's more significant charter milestones.

Mill Sharing

Never before has the issue of charter school equity been so front and center in Colorado. Using Senate bills 187 and 188 as a platform, we were able to strongly and consistently push the issue of equitable funding for charter public school students. This resulted in positive press coverage in a number of media outlets both [nationally](#) and statewide (click [here](#) and [here](#) for op-eds from the Denver Post, [here](#) for an op-ed from the Colorado Springs Gazette, and [here](#) for an op-ed from the Durango Herald).

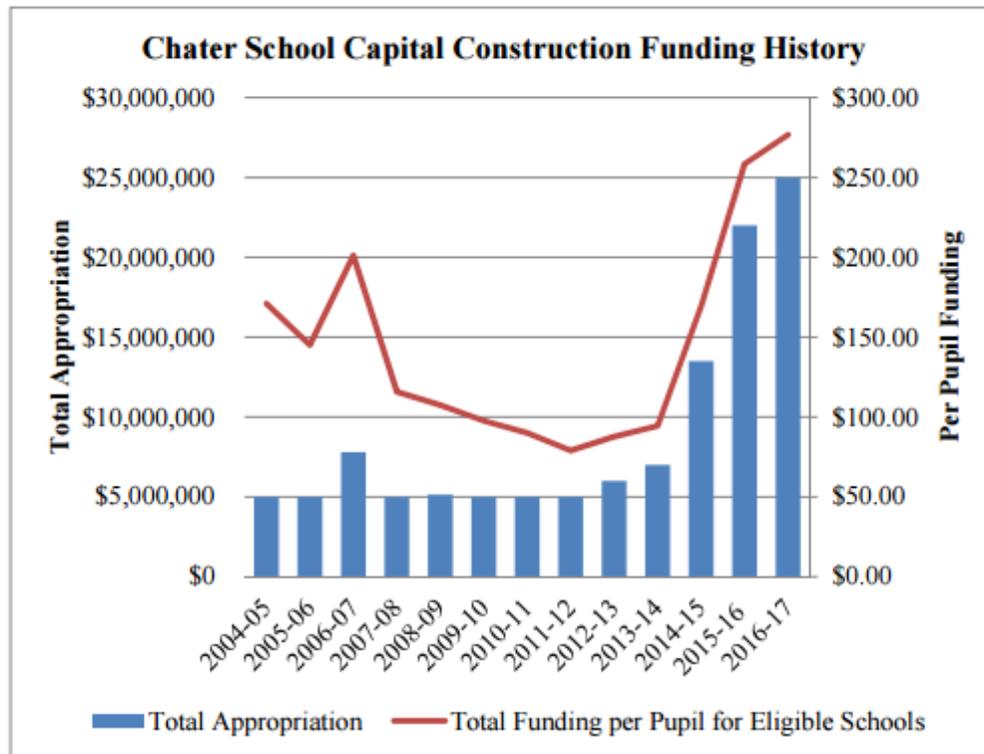
And while the intransigence of certain key lawmakers ultimately prevented us from securing the equitable sharing of existing mill levy dollars this session, we laid significant groundwork for future legislative debates on the subject. Make no mistake about it - the fight for equity will continue, and we are already looking ahead toward next year and how best to shape the debate moving forward. Stay tuned.

Greater Facilities Access and Resources

Enhanced access to taxpayer land and facilities has long been a key issue for charter public schools across the state. As such, we pushed for language that would require districts to regularly provide their charter schools and the public with an inventory of any vacant or underutilized buildings or land in their possession. Districts must then entertain charter RFPs for these buildings or land and, if they choose not to accept them, notify their charters in writing and at a public meeting as to the reasons why not. This provision was adopted into law as part of [House bill 16-1422](#), this year's version of the School Finance Act.

Also in the realm of facilities, we were successful in accomplishing the following:

- Locking down an additional \$3 million for the state's Charter Capital Construction Fund, raising the overall amount of money in this program from just \$7 million two years ago to \$25 million heading into next year (see chart below)



- Adding maintenance to the list of allowable expenses under the Charter Capital Construction program (as part of [HB1422](#))
- Reducing from five to three - and making consistent with every other school in the state - the number of years a charter must be authorized before being able to apply to the state's BEST capital construction competitive grant program (as part of [SB072](#))

Enhanced Operational Flexibility

Schools are regularly communicating to us that they feel as if they're being forced to operate in a tighter and tighter regulatory box that threatens the very innovation charters are known for. We advocated for a number of policies to help address this issue and were successful in getting all of the following adopted into statute:

- Reduction in UIP reporting requirements from once a year to once every other year in the case of "performance" schools (as part of [HB1440](#))
- Allowance for a single financial audit in the case of charter school networks, or those operating with multiple campuses (as part of [HB1422](#))
- Change in the open meetings threshold for CSI schools from two board members to three (as part of [HB1422](#))

Also of note here were successful League efforts to beat back an attack on charter innovation in the form of [HB1343](#). This damaging piece of legislation would have removed charters' ability to pursue automatic waivers, or those not requiring a replacement plan. League advocacy prevented this proposal from gaining any real traction and contributed to its death in its chamber of introduction (the House).

Greater Authorizer Accountability

Currently in Colorado there are little to no standards by which authorizers are regularly held accountable for their actions toward charter public schools. This contributes to an environment where charter schools often feel powerless in the face of harmful authorizer behavior. To address this issue, we pushed for and were successful in achieving the following important changes:

- An expansion of the grounds under which a district's exclusive chartering authority (ECA) can

be challenged to encompass certain commonly held best practices of quality authorizing behavior, including pro rata distribution of mill levy revenue, provision of assistance to meet facilities needs, and pro rata distribution of federal and state grant proceeds (as part of [HB1422](#))

- Clarification that the itemized accounting that districts provide to their charters related to such areas as central administrative overhead and special education costs must include, at a charter's request, a list of the personnel positions involved in providing those services; this provision also makes clear that districts must distribute state and federal money to charter public schools on a pro rata basis if the amount the school district received was calculated on a per-pupil basis that included charter school enrollment (also as part of [HB1422](#))

Thank you again for all of your continued support throughout this legislative session, and stay tuned for further details and analysis in the coming weeks!

Sincerely,

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